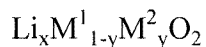


AMENDMENT TO THE CLAIMS

This listing of claims will replace all prior versions, and listings, of claims in the application.

Listing of Claims:

1. (Currently Amended) A lithium secondary battery comprising:  
a positive electrode including a positive electrode active material;  
a negative electrode including a negative electrode active material; and  
a non-aqueous electrolyte,  
wherein said positive electrode active material comprises at least one lithium-containing composite oxide represented by the following general formula:



where  $\text{M}^1$  and  $\text{M}^2$  are different elements,  $\text{M}^1$  [[is]] being Ni or Co, and  $\text{M}^2$  [[is]] being at least one selected from Ni, Co, Mn, Mg, and Al,  $1 \leq x \leq 1.05$ , and  $0 \leq y \leq 0.7$ ,

said negative electrode active material comprises at least one selected from the group consisting of silicon, tin, a silicon-containing alloy, and a tin-containing alloy,

said non-aqueous electrolyte includes ~~an organic peroxide~~ m-chloroperoxybenzoic acid,  
and is ~~free from a monomer capable of being radical polymerized~~,

~~said organic peroxide~~ said m-chloroperoxybenzoic acid accounts for 0.1 to 5 % by weight of said non-aqueous electrolyte, ~~and~~

~~said organic peroxide is at least one selected from the group consisting of hydroperoxides, peroxyketals, and ketone peroxides.~~

2-4. (Cancelled)

5. (Currently Amended) The lithium secondary battery in accordance with claim 1, wherein ~~said organic peroxide~~ m-chloroperoxybenzoic acid is further included in said negative electrode.

6. (Original) The lithium secondary battery in accordance with claim 1, wherein said negative electrode active material comprises a silicon-containing alloy.

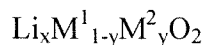
7. (Original) The lithium secondary battery in accordance with claim 6, wherein said silicon-containing alloy comprises: a solid solution including silicon and at least one transition metal element selected from the group consisting of Ti, Ni, Co, Fe, and Cu; or an alloy including silicon and at least one intermetallic compound selected from the group consisting of  $\text{TiSi}_2$ ,  $\text{TiSi}$ ,  $\text{CoSi}_2$ ,  $\text{CoSi}$ ,  $\text{FeSi}_2$ ,  $\text{FeSi}$ ,  $\text{NiSi}_2$ ,  $\text{NiSi}$ , and  $\text{Cu}_3\text{Si}$ .

8. (Original) The lithium secondary battery in accordance with claim 7, wherein said intermetallic compound is  $\text{TiSi}_2$ .

9. (Currently Amended) The lithium secondary battery in accordance with claim 1, wherein ~~said organic peroxide~~ m-chloroperoxybenzoic acid is further included in said positive electrode.

10. (Currently Amended) The lithium secondary battery in accordance with claim 5, wherein ~~said organic peroxide~~ m-chloroperoxybenzoic acid is further included in said positive electrode.

11. (Currently Amended) A lithium secondary battery comprising:  
a positive electrode including a positive electrode active material;  
a negative electrode including a negative electrode active material; and  
a non-aqueous electrolyte,  
wherein said positive electrode active material comprises at least one lithium-containing composite oxide represented by the following general formula:



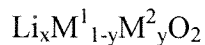
where  $\text{M}^1$  and  $\text{M}^2$  are different elements,  $\text{M}^1$  ~~[[is]]~~ being Ni or Co, and  $\text{M}^2$  ~~[[is]]~~ being at least one selected from Ni, Co, Mn, Mg, and Al,  $1 \leq x \leq 1.05$  and  $0 \leq y \leq 0.7$ ,

said negative electrode active material is at least one selected from the group consisting of silicon, tin, a silicon-containing alloy, and a tin-containing alloy, and

said negative electrode includes ~~an organic peroxide,~~ m-chloroperoxybenzoic acid  
~~said organic peroxide is at least one selected from the group consisting of~~  
~~hydroperoxides, peroxyketals, and ketone peroxides, and~~

~~said non-aqueous electrolyte is free from a monomer capable of being radical-~~  
~~polymerized.~~

12. (Currently Amended) A lithium secondary battery comprising:  
a positive electrode including a positive electrode active material;  
a negative electrode including a negative electrode active material; and  
a non-aqueous electrolyte,  
wherein said positive electrode active material comprises at least one lithium-containing composite oxide represented by the following general formula:



where  $\text{M}^1$  and  $\text{M}^2$  are different elements,  $\text{M}^1$  [is]] being Ni or Co,  $\text{M}^2$  [[is]] being at least one selected from Ni, Co, Mn, Mg, and Al,  $1 \leq x \leq 1.05$  and  $0 \leq y \leq 0.7$ ,

said negative electrode active material is at least one selected from the group consisting of silicon, tin, a silicon-containing alloy, and a tin-containing alloy, and

said positive electrode includes ~~an organic peroxide~~, m-chloroperoxybenzoic acid

~~said organic peroxide is at least one selected from the group consisting of hydroperoxides, peroxyketals, and ketone peroxides, and~~

~~said non-aqueous electrolyte is free from a monomer capable of being radical-polymerized.~~